

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA	:	CASE NO: 1:20-CR-77
	:	
	:	
v.	:	JUDGE TIMOTHY S. BLACK
	:	
	:	
LARRY HOUSEHOLDER, et al.,	:	<u>NOTICE OF INTENT TO</u>
	:	<u>INTRODUCE SELF-</u>
	:	<u>AUTHENTICATING EVIDENCE</u>
Defendants.	:	
	:	

The United States provides this notice of intent to introduce self-authenticating evidence pursuant to Federal Rule of Evidence 902(11), (13), and (14).

The Government provides this notice, as required under the Federal Rules of Evidence, that it intends to seek the admission of certain evidence authenticated by the certifications provided by the custodians of record. *See* Fed. R. Evid. 902(11) (before trial, Government must give the defendant “reasonable written notice of the intent to offer the record—and must make the record and certification available for inspection—so that the [defendant] has a fair opportunity to challenge them”); Fed. R. Evid. 902(13) & (14) (requiring notice requirement outlined in 902(11)). The Government pursues this course in an effort to make the introduction of evidence and presentation of testimony more efficient. *See* Fed. R. Evid. 902(13) Advisory Committee Note (“As with the provisions on business records in Rules 902(11) and (12), the Committee has found that the expense and inconvenience of producing a witness to authenticate an item of electronic evidence is often unnecessary. . . . The amendment provides a procedure under which the parties can determine in advance of trial whether a real challenge to authenticity will be made, and can then plan accordingly.”).

The Government will seek to admit the following evidence at trial that will rely upon certifications for authenticity:

- (1) Records from Allen, Stovall, Neuman, Fisher & Ashton LLP, the certification for which is attached as Exhibit A.
- (2) Records from Apple, Inc., the certifications for which are attached as Exhibit B.
- (3) Records from Amalgamated Bank, the certifications for which are attached as Exhibit C.
- (4) Records from Arena Online, LLC, the certification for which is attached as Exhibit D.
- (5) Records from AT&T, the certifications for which are attached as Exhibit E.
- (6) Records from Centric Bank, the certifications for which are attached as Exhibit F.
- (7) Records from CGI Investigation, LLC, the certification for which is attached as Exhibit G.
- (8) Records from Charles Schwab, the certifications for which are attached as Exhibit H.
- (9) Records from Crossroads Media, the certification for which is attached as Exhibit I.
- (10) Records from Discover Products, Inc., the certifications for which are attached as Exhibit J.
- (11) Records from Fifth Third Bank, the certifications for which are attached as Exhibit K.
- (12) Records from FirstEnergy, the certification for which is attached as Exhibit L.
- (13) Records from First National Bank of Pennsylvania, the certifications for which are attached as Exhibit M.
- (14) Records from Forcht Bank, NA, the certifications for which are attached as Exhibit N.
- (15) Records from Google, the certification for which is attached as Exhibit O.

- (16) Records from FP1 Strategies, LLC, the certification for which is attached as Exhibit P.
- (17) Records from Huntington National Bank, the certifications for which are attached as Exhibit Q.
- (18) Records from JPMorgan Chase Bank N.A., the certifications for which are attached as Exhibit R.
- (19) Records from Mighty Group, the certification for which is attached as Exhibit S.
- (20) Records from Nordic Construction, the certification for which is attached as Exhibit T.
- (21) Records from Ohio AFL-CIO, the certification for which is attached as Exhibit U.
- (22) Records from Partners for Progress, Inc., the certification for which is attached as Exhibit V.
- (23) Records from Paychex, Inc., the certifications for which are attached as Exhibit W.
- (24) Records from PNC Bank, N.A., the certifications for which are attached as Exhibit X.
- (25) Records from Red Maverick Media, the certification for which is attached as Exhibit Y.
- (26) Records from Storytellers Mail, LLC, the certification for which is attached as Exhibit Z.
- (27) Records from The Community Bank, the certification for which is attached as Exhibit AA.
- (28) Records from The Union Bank, the certification for which is attached as Exhibit BB.
- (29) Records from T-Mobile, the certification for which is attached as Exhibit CC.

(30) Records from United Bank, the certification for which is attached as Exhibit DD.

(31) Records from Verizon Wireless, the certifications for which are attached as Exhibit EE.

(32) Forensic extractions of cellular phones, the certifications for which are attached as Exhibit FF.

(33) Title III intercepts, the certification for which is attached as Exhibit GG.

As required, each notification asserts that: “(A) the record was made at or near the time by—or from information transmitted by—someone with knowledge; (B) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit; [and] (C) making the record was a regular practice of that activity[.]” Fed. R. Evid. 803(6)(A)-(C); *see* Fed. R. Evid. 902(11) (requiring certification to meet the requirements of Rule 803(6)(A)-(C)).

The Government previously provided the underlying records, extractions, and recordings during pre-trial discovery.

Respectfully submitted,

KENNETH L. PARKER
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/s/Megan Gaffney Painter

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon defense counsel a copy of the foregoing *Government's Notice of Intent to Introduce Self-Authenticating Evidence* by electronic delivery on the 6th day of January, 2023.

s/Megan Gaffney Painter

MEGAN GAFFNEY PAINTER

Assistant United States Attorney